IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.487 OF 2006
IN
NOTICE OF MOTION NO.1617 OF 2006
IN
EXECUTION APPLICATION NO. 152 OF 2006
IN
DISPUTE NO. CC/V/291 OF 2005

Raghoji Bhimji Wakchaure .. Appellant

Vs.

Vimochit Samaj Co-op.Housing
Society Ltd. & Anr. .. Respondents

Mr.P.M.Havnur for the Appellant.
Mr.Rajiv Narulla i/b. Jhangiani Narula &
Associates for the Respondents.

CORAM : DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 20TH JULY,2006.

P.C.:

1. Heard the learned Counsel for the parties. By this Appeal, the Appellant is challenging the order dated 12th May, 2006, whereby the Learned Single Judge had refused to grant ad-interim-relief. After hearing the parties for some time, we find that the Appellant had moved an application for stay of ad-interim-relief granted by the Co-operative Judge, Thane on 14th June, 2005. The said application appears to have been moved by the Appellant on 4th July, 2005 and still the same has not been decided.

2. Both the Advocates have categorically agreed that the order passed by the Judge, Co-operative Court, Thane dated 14th June, 2005 is an ad-interim-order in interim application being Exhibit-5. Having regard to the facts and circumstances of the case and in view of the fact that the Application was taken out by the Appellant on 4th July, 2005, we direct the Judge, Co-operative Court, Thane to dispose of the said interim application being Exhibit-5 as expeditiously as possible, preferably within a period of three weeks from today. Appeal stands disposed of accordingly.

3. It is made clear that the Appellant will abide by the order of the Judge, Co-operative Court, Thane, subject to the right to challenge, however, the Appellant will not drive the Respondents to execute the order.

(DR.S.RADHAKRISHNAN,J.)

(S.J.VAZIFDAR,J.)